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*Attorneys for Plaintiff
Viavi Solutions Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

VIAVI SOLUTIONS INC.,

Plaintiff,

v.

PLATINUM OPTICS TECHNOLOGY INC.,

Defendant.

Case No. 5:20-cv-05501-EJD

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
PROSECUTION BAR**

Hearing Date: February 2, 2021
Time: 10:00 a.m.
Place: Courtroom 4 – 5th Floor
Judge: Hon. Edward J. Davila

Plaintiff Viavi Solutions Inc. (“Viavi”) and Defendant Platinum Technology Inc. (“PTOT”) respectfully stipulate to the following agreement regarding Paragraph 8 (the patent prosecution bar) of the Protective Order: the resulting language will allow Viavi’s litigation counsel to participate in IPR proceedings, with the exception that litigation counsel should not be involved in the drafting and amending of claims. To that end, the parties agree to the following language:

Any counsel who has reviewed information designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective Order is permitted to participate in post-grant proceedings (i.e., patent challenging proceedings) before any domestic or foreign agency (including, but not limited to, inter partes review (IPR), post-grant review, a reissue protest, an opposition before a foreign agency, ex parte reexamination or inter partes reexamination), but may not participate in drafting or amending claims as part of those proceedings.

The above language applies to the second to last sentence of Viavi’s and PTOT’s Paragraph 8 of the Protective Order. Dkt. Nos. 39, 41, 42, 43. The parties’ positions regarding the remaining disputed portions of Paragraph 8 of the Protective Order remain unchanged in advance of the February 2, 2021, hearing. *Id.*

Dated: February 1, 2021

By:

GREENBERG TRAURIG, LLP

VENABLE LLP

/s/ David S. Bloch

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4 *Attorneys for Defendant Platinum*
5 *Optics Technology Inc.*

Attorneys for Viavi Solutions Inc.

6 **ATTESTATION REGARDING SIGNATURES**

7 Counsel for Viavi hereby attests by signature below that concurrence in the filing of this
8 document was obtained from counsel for Platinum Optics Technology Inc..

9 DATED: February 1, 2021

VENABLE LLP

10 /s/ William A. Hector

William A. Hector

11 *Attorney for Plaintiff Viavi Solutions Inc.*

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14 **CERTIFICATE OF SERVICE**

15 The undersigned certifies that on this day, February 1, 2021, the following documents
16 were served electronically, via ECF, on all counsel of record registered to receive ECF
17 notifications in this case.

18 DATED: February 1, 2021

VENABLE LLP

19 /s/ William A. Hector

20 William A. Hector

21 *Attorney for Plaintiff Viavi Solutions Inc.*

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

Any counsel who has reviewed information designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective Order is permitted to participate in post-grant proceedings (i.e., patent challenging proceedings) before any domestic or foreign agency (including, but not limited to, inter partes review (IPR), post-grant review, a reissue protest, an opposition before a foreign agency, ex parte reexamination or inter partes reexamination). Any counsel who has reviewed information designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY may not participate in drafting or amending claims as part of the proceedings before a domestic or foreign agency.

Dated: _____

The Honorable Susan van Kuelen
United States District Court Judge